

CRIMINAL COMPLAINT
(Electronically Submitted)

United States District Court	DISTRICT of ARIZONA
United States of America	DOCKET NO.
v. Michael Leroy Witt DOB: 1968; United States Citizen	MAGISTRATE'S CASE NO. 23-07119MJ
Complaint for violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii), 1324(a)(1)(B)(i), and 1324(a)(1)(B)(iii).	

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

On or about February 20, 2023, in the District of Arizona, **Michael Leroy Witt**, knowing or in reckless disregard that certain aliens, including Anthony Juarez-Franco and Nelson Gabriel Olivera-Antonio, had come to, entered and remained in the United States in violation of law, did transport and move said aliens within the United States by means of transportation and otherwise, in furtherance of such violation of law and did so for the purpose of private financial gain, and placed in jeopardy the life of any person; in violation of **Title 8, United States Code, Sections 1324(a)(1)(A)(ii), 1324(a)(1)(B)(i) and 1324(a)(1)(B)(iii)**.

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

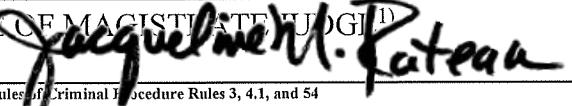
On February 20, 2023, in the District of Arizona (Sonoita), at approximately 3:54 p.m., Border Patrol Agents (BPAs) observed a black Chevrolet Sonic with heavy tint as it traveled eastbound on State Route (SR) 82 with one visible male occupant. As the BPA followed the vehicle, he noticed the vehicle began crossing the white fog line and the yellow center line of the two-lane highway and was also dropping speeds from 40 to 45 miles per hour in a posted 65 mile per hour zone. The BPA ran a registration check on the vehicle and learned that the vehicle was registered to an address in Tucson, Arizona and had three northbound crossings on SR 80. The vehicle also had an alert placed on it from the week prior for being used to transport non-citizens from Nogales, Arizona to the interior of the United States. The BPA initiated a vehicle stop for an immigration inspection on the vehicle's occupants. The driver of the vehicle, later identified as **Michael Leroy WITT**, acknowledged the BPA presence by slowing down to approximately 15 miles per hour, activating his emergency flashers, rolling his window down and waving for the BPA to pass him. The BPA signaled **WITT** by activating his emergency siren and eventually ordered **WITT** to pull over utilizing his loudspeaker. **WITT** yielded. The BPA approached the vehicle but were unable to see into the rear of the vehicle due to the heavy tint. The BPA asked **WITT** if he could lower his rear windows to which he replied he couldn't as he was fidgeting in his seat. The BPA observed two lumps under blankets in the back seat floorboard. The BPA then asked **WITT** to place the vehicle in park and shut off the engine, but **WITT** refused to turn the vehicle off. The BPA attempted to detain **WITT** by opening the driver's door. **WITT** resisted by pulling his hands away. As the BPA reached into the vehicle to open the door, **WITT** quickly placed the vehicle in drive and accelerated away onto oncoming traffic while the BPA was trapped in the driver's window / door. The BPA was able to deliver kinetic strikes to **WITT**'s head, reach in and turn the ignition off and safely steer the vehicle to the north side shoulder. The BPA then drew his handgun and ordered **WITT** out of the vehicle and placed him under arrest.

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MATERIAL WITNESSES IN RELATION TO THE CHARGE: Anthony Juarez-Franco and Nelson Gabriel Olivera-Antonio

Detention Requested	SIGNATURE OF COMPLAINANT 
<i>Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.</i>	OFFICIAL TITLE Border Patrol Agent

Sworn by telephone x

SIGNATURE OF MAGISTRATE/JUDGE ¹⁾ 	DATE February 21, 2023
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¹⁾ See Federal Rules of Criminal Procedure Rules 3, 4.1, and 54

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BPAs discovered two passengers in the rear seats of the vehicle. An immigration inspection was conducted and the two passengers, Anthony Juarez-Franco and Nelson Gabriel Olivera-Antonio, were determined to be citizens of Mexico, illegally present in the United States.

Material witness Anthony Juarez-Franco stated he is a citizen of Mexico, and he was going to pay a total of 250,000 Mexican Pesos to be smuggled into the United States. He illegally crossed into the United States with his cousin, and they walked for approximately ten minutes and found a place to hide. A blue car arrived at their location, honked, and the driver called out to them to get into the car. Juarez stated his cousin was in communication with someone in Mexico who confirmed the blue car was there to pick them up. They entered the blue car. Juarez recalled Border Patrol attempting to pull them over and stated the driver wrestled with the BPA and drove off. Juarez was able to positively identify **WITT** as the driver of the vehicle that pulled him over from a photo lineup.

Material witness Nelson Gabriel Olivera-Antonio stated he is a citizen of Mexico, and he was going to pay a total of 220,000 Mexican Pesos to be smuggled into the United States. He illegally crossed into the United States alone and ran for approximately 45 minutes until he reached an unknown location and met up with his cousin. He waited with his cousin for the load vehicle and received a call from a smuggling coordinator who advised him to get ready because the transport vehicle was arriving. A vehicle arrived and honked twice to signal them and they got into the rear seats where the driver gave them jackets to cover themselves. He was in the vehicle for approximately 20 minutes when he heard police sirens. When Border Patrol pulled them over, the driver and agent began fighting and the driver accelerated the vehicle into oncoming traffic. Olivera was able to positively identify **WITT** as the driver of the vehicle that picked him up from a photo lineup.